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Mr Samuel G. Gilbert  
COMMISSIONER FOR PATENTS  
PO BOX 1450 ALEXANDRIA, VA. 22313-1450

MY APPLICATION 10/629037 "FORESKIN REPLACEMENT" DIFFERS IN  
STRUCTURE FROM THE THREE PATENTS AS FOLLOWS:

BRYANT, 5074853----- MY INVENTION IS MEANT TO BE A REPLACEMENT  
FOR THE MALE FORESKIN NOT AN INCONTINENCE DIAPER. MY TO- SCALE  
DRAWING SHOWS NO MORE THAN ¼ INCH THICKNESS FOR MY CONDOM  
LIKE DEVICE. THIS INVENTION IS AIMED TO REMEDY LOSS OF SENSITIVITY  
FOR THE MALE PENIS. THE TECHNOLOGY TO PRESERVE DRY AND CLEAN  
CONDITIONS FOR SKIN CONTACT WITH URINE IS FOR DRIPS ONLY. FIG 3 IN  
BRYANT PATENT SHOWS A MARKED DIFFERENCE IN STRUCTURE. THIS  
PRODUCT WOULD BE IMPRACTABLE FOR DAILY USE BY NON-  
INCONTINENT MALES.

GLAUG, 6565548---- MY INVENTION IS MEANT TO BE A REPLACEMENT FOR  
THE MALE FORESKIN NOT AN INCONTINENCE SHIELD. MY DRAWING  
SHOWS A CONDOM LIKE DEVICE NOT A SHIELD. THIS INVENTION IS AIMED  
TO REMEDY LOSS OF SENSITIVITY OF THE MALE PENIS. A SHIELD  
CONTINUES THE FRICTION WITH UNDERGARMENTS NOT ELIMINATE IT.

DAWN 4338371---- NO PRACTICAL APPLICATION IS ATTEMPTED BY THIS  
PATENT. ASTRONAUTS ARE MENTIONED AS POSSIBLE USERS OF THIS  
ELEVEN LAYERED MATERIAL "FOR USE IN DEVICES AND ARTICLES FOR  
ABSORBING AND RETAINING FLUIDS." IT COULD COLLECT AND RETAIN  
900 CC OF FECAL MATTER AND URINE. MY CONDOM LIKE INVENTION IS  
MEANT TO HANDLE A FEW DROPS OF URINE AND MAINTAIN SENSITIVITY  
IN THE MALE PENIS. MY INVENTION REQUIRED FOUR LAYERS IN A  
SPECIFIC INVENTION.



## Office Action Summary

**Application No.**

10/629,037

**Applicant(s)**

BROWN, LEE R.

**Examiner**

Samuel G. Gilbert

**Art Unit**

3735

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 and 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bryant(5,074,853) in view of Dawn et al (4,338,371).

Claims 1 and 2 – device –10- is a multi-layer device capable of being used as a foreskin replacement. Element –20- is a third layer of high fluid absorbency, element –40- is a fourth layer porous to air and impervious to fluid flow, element –28- is an elasticized material and elements –42-, -44- and –48- are means to open a closure path through the layers. Bryant does not teach a separate first and second layer that are designed to contact the tissue and wick fluid away from the tissue, although Bryant does teach additional and different kinds of layers may be used with the device, column 3 lines 36-39. Dawn et al (4,338,371) teaches a multilayer absorbent articles including a gauzelike contact layer –12- backed with a wicking layer –14-, the layers –12- and –14- are provided to provide a comfortable contact surface for the wearer and to wick the moisture away from the wearer. It would have been obvious to one of ordinary skill in the medical arts to include the contact and wicking layers –12- and –14- of Dawn et al. with the device of Bryant to provide for the comfort and wicking abilities taught by Dawn et al.

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Claim 3 – it is general practice in the medical arts to use sterile material.

Claim 5 – Bryant teaches the absorbent layer may be any known absorbent layer, column 3 lines 23, 24. Super absorptive polymers(SAP) are well known in the arts as shown in Wada(6,129,718) column 3 lines 34-37.

Claim 6 – The properties of the SAP are not set forth in Wada but it is well known in the medical arts that super- absorptive polymers are capable of holding up to eighty times its weight in water, see Tsujimoto et al(5,930,949) abstract, lines 3-6.

Claim 7 – the fourth layer of Bryant may be a plastic film, column 3 line 28. Polypropylene is a plastic film known to be used as a fluid impervious layer for absorbent pads as shown by Hoey, column 11 lines 37-39.

Claims 4 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bryant(5,074,853) and Dawn et al (4,338,371) as applied to claim 1 above, and further in view of Glaug et al. (6,565,548)

Claim 4 – Dawn et al teaches the first layer may be made of a wide variety of fabrics but does not teach polypropylene. Glaug et al teaches the use of polypropylene for the first (contact) layer. It would have been obvious to one of ordinary skill in the medical arts at the time the invention was made to use polypropylene for the contact layer of the combination above as a substitution of functionally equivalent contact layers. In the absence of showing any criticality in the exact material used for the first (contact) layer the selection of any specific material would be an ordinary design expedient to one of ordinary skill in the medical arts.

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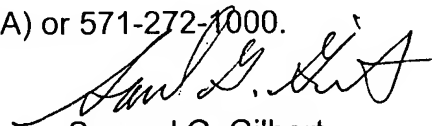
Claim 8 – see claims 4, 6 and 7 above.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samuel G. Gilbert whose telephone number is 571-272-4725. The examiner can normally be reached on Monday-Friday 6:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor II can be reached on 571-272-4730. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Samuel G. Gilbert  
Primary Examiner  
Art Unit 3735



# Notice of References Cited

Application/Control No.

10/629,037

Applicant(s)/Patent Under

Reexamination

BROWN, LEE R.

Examiner

Samuel G. Gilbert

Art Unit

3735

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## U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-5,930,949	08-1999	Tsujimoto et al.	47/57.6
*	B	US-6,129,718	10-2000	Wada, Ichiro	604/378
*	C	US-3,901,240	08-1975	Hoey, Charles E.	604/364
*	D	US-6,565,548	05-2003	Glaug et al.	604/385.03
	E	US-			
	F	US-			
*	G	US-4,338,371	07-1982	Dawn et al.	442/373
	H	US-			
*	I	US-5,074,853	12-1991	Bryant, Tracy L.	604/349
	J	US-			
	K	US-			
	L	US-			
	M	US-			

## FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

## NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

“SENSATIONALS” [ A SYNTHETIC REPLACEMENT FOR THE MALE FORESKIN WITH ANTI-DRIP/ANTI STAIN TECHNOLOGY]

THIS PRODUCT IS PRODUCED WITH FOUR LAYERS OF MATERIAL TO ENSURE MAXIMUM EFFECTIVENESS.

4. A POLYPROPYLENE MATERIAL THAT REMAINS DRY WHILE ALLOWING URINE TO PASS THROUGH .

3. A TRANSFER LAYER WHICH “WICKS” FLUID AWAY FROM THE GENITAL AREA.[PREVENTS ‘POOLING’]

2. A MATERIAL COATED WITH A SUPERABSORBENT POLYMER CAPABLE OF HOLDING UP TO 80 TIMES ITS WEIGHT IN WATER.

1.A RUBBER, ACETATE, OR LAMBSKIN MATERIAL FOR OUTER LAYER.[OR POLYPROPYLENE IF PREFERRED.]

5.ELASTICIZED BAND.

6.AN OPENING FOR URINATION[ FOLD,ZIP-LOCK, VELCRO,STICKY MATERIAL ECT...]



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This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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